

**ASSEMBLY BILL**

**No. 2338**

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**Introduced by Assembly Member Conway**

February 19, 2010

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An act to amend Section 38026 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2338, as introduced, Conway. Vehicles: off-highway vehicle recreation.

Existing law authorizes a local authority, an agency of the federal government, or the Director of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 38026 of the Vehicle Code is amended
- 2 to read:
- 3 38026. (a) (1) In addition to Section 38025 and after
- 4 complying with subdivision (c) of this section, if a local authority,
- 5 an agency of the federal government, or the Director of Parks and
- 6 Recreation finds that a highway, or a portion thereof, under the
- 7 jurisdiction of the authority, agency, or the director, as the case
- 8 may be, is located in a manner that provides a connecting link

1 between off-highway motor vehicle trail segments, between an  
2 off-highway motor vehicle recreational use area and necessary  
3 service facilities, or between lodging facilities and an off-highway  
4 motor vehicle recreational facility and if it is found that the  
5 highway is designed and constructed so as to safely permit the use  
6 of regular vehicular traffic and also the driving of off-highway  
7 motor vehicles on that highway, the local authority, by resolution  
8 or ordinance, agency of the federal government, or the Director  
9 of Parks and Recreation, as the case may be, may designate that  
10 highway, or a portion thereof, for combined use and shall prescribe  
11 rules and regulations therefor. ~~No~~

12 (2) A highway, or portion thereof, shall *not* be ~~so~~ designated *for*  
13 *combined use under this section* for a distance of more than three  
14 miles. ~~No~~

15 (3) A freeway shall *not* be designated under this section.

16 (b) The Off-Highway Motor Vehicle Recreation Commission  
17 may propose highway segments for consideration by local  
18 authorities, an agency of the federal government, or the Director  
19 of Parks and Recreation for combined use.

20 (c) Prior to designating a highway or portion thereof on the  
21 motion of the local authority, an agency of the federal government,  
22 or the Director of Parks and Recreation, or as a recommendation  
23 of the Off-Highway Motor Vehicle Recreation Commission, a  
24 local authority, an agency of the federal government, or the  
25 Director of Parks and Recreation shall notify the Commissioner  
26 of the California Highway Patrol, and shall not designate any  
27 segment pursuant to subdivision (a) ~~which~~ *that*, in the opinion of  
28 the commissioner, would create a potential traffic safety hazard.

29 (d) (1) A designation of a highway, or a portion thereof, under  
30 subdivision (a) shall become effective upon the erection of  
31 appropriate signs of a type approved by the Department of  
32 Transportation on and along the highway, or portion thereof.

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34 (2) *The* cost of the signs shall be reimbursed from the  
35 Off-Highway Vehicle Trust Fund, when appropriated by the  
36 Legislature, or by expenditure of funds from a grant or cooperative  
37 agreement made pursuant to Section 5090.50 of the Public  
38 Resources Code.

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